



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/767,184

01/29/2004

James J. Fitzgibbon

79403

4662

22242 7590 04/19/2007  
FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

EXAMINER

AU, SCOTT D

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

04/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/767,184

Applicant(s)

FITZGIBBON, JAMES J.

Examiner

Scott Au

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-110 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-110 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The application of Fitzgibon for an "Image recognition facilitated movable barrier operations method and apparatus" filed Jan 29, 2004 has been examined.

Claims 1-110 are pending.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claim 24 is objected to because of the following informalities: limitation "the automatic image recognizer comprises a non-visible light automatic image recognizer" is not described in the specification. According to the specification paragraph 23 as indicated by the applicant, the limitations "In a preferred approach, the image capture device 15 will comprise a digital image capture device (in general, a visible light image capture device will likely prove most suitable but other image capture devices may prove useful as well, at least in some settings, such as ultrasonic-based, infrared-based, and radio frequency-based image capture devices, to name a few). Such devices are well known in the art and have recently become both relatively inexpensive and robust in application. Such an image capture device 15 can comprise a stationary platform (which likely comprises a preferred approach for most applications) or can comprise a movable platform (for example, a servo-motor

that controls positioning of the image capture device 15 can itself be responsive to movement instructions as sourced, for example, by the movable barrier operator 11, the automatic image recognizer 14, and/or the wireless remote control 13)". Therefore, examiner interprets as a control having biometric data capacitive device with RF transmitter. Further support is required.

Claims 25 and 80 are objected to because of the following informalities: Claim 25 and 80, limitation "automatically initiating an action at at least" should be changed to "automatically initiating an action at least". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 56-110 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

No where in the specification describe the limitation that "non-biological image recognizer". **This limitation contains new subject matter.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (US# 6,980,672) in view of Scott et al. (US# 6,111,977).

Referring to claim 1, Saito et al. disclose an apparatus comprising: an apparatus comprising: a movable barrier operator (i.e. see Figure 4A-B); a movable operator wireless remote control (i.e. see Figure 33); an image recognizer (i.e. see Figures 1 and ) operably coupled to at least one of the movable barrier (i.e. vehicle door) (i.e. see Figure 4A-B) and the movable barrier operator wireless remote control (i.e. see Figure 33) (col. 10 lines 3-30 and col. 23 lines 40-67).

However, Saito et al. did not explicitly disclose the image recognizer is an automatic image recognizer.

In the same field of endeavor of remote control system, Scott et al. disclose the automatic image recognizer to authenticate the unlocking a security area (i.e. see Abstract and col. 3 lines 35-45; see Figures 1 and 2).

One ordinary skill in the art understands that the automatic image recognizer to authenticate the unlocking a security area of Scott et al. is desirable in the operation

system of Saito et al. because Saito et al. and Scott et al. teach the analogous art of biometric authentication to unlock a security system. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to have an automatic image recognizer of Scott et al. into security system of Saito et al. in order provide convenience to the user.

Referring to claim 2, Saito et al. in view of Scott et al. disclose the apparatus of claim 1, Saito et al. disclose wherein the automatic image recognizer operably couples to the movable barrier operator (col. 29 line 66 to col. 30 line 8; see Figures 4A-B).

Referring to claim 3, Saito et al. in view of Scott et al. disclose the apparatus of claim 1, Saito et al. disclose wherein the automatic image recognizer operably couples to the movable barrier operator wireless remote control (i.e. see Figure 33).

Referring to claim 4, Saito et al. in view of Scott et al. disclose the apparatus of claim 1, Saito et al. disclose wherein the automatic image recognizer comprises an image capture device (i.e. see Figure 1).

Referring to claim 5, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein the image capture device comprises a digital image capture device (col. 6 lines 22-29).

Referring to claim 6, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein the image capture device is remotely disposed with respect to the movable barrier operator (i.e. see Figure 33).

Referring to claim 7, Saito et al. in view of Scott et al. disclose the apparatus of claim 6, Saito et al. disclose wherein the image capture device is operably coupled to the movable barrier operator by a wireless link (i.e. see Figure 33).

Referring to claim 8, Saito et al. in view of Scott et al. disclose the apparatus of claim 6, Saito et al. disclose wherein the image capture device is operably coupled to the movable barrier operator by a wireline link (i.e. see Figures 4A-B).

Referring to claim 9, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein the image capture device is integrally disposed with respect to the movable barrier operator wireless remote control (i.e. see Figure 33).

Referring to claim 10, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein the image capture device is remotely disposed with respect to the movable barrier operator wireless remote control (i.e. see Figure 33).

Referring to claim 11, Saito et al. in view of Scott et al. disclose the apparatus of claim 10, Saito et al. disclose wherein the image capture device is operably coupled to

the movable barrier operator wireless remote control by a wireless link (i.e. see Figure 45).

Referring to claim 12, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein the image capture device comprises a stationary platform (i.e. see Figures 6A-B).

Referring to claim 13, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein the image capture device comprises a movable platform (i.e. see Figure 34B).

Referring to claim 14, Saito et al. in view of Scott et al. disclose the apparatus of claim 13, Saito et al. disclose wherein the image capture device is responsive to movement instructions as sourced by the movable barrier operator (i.e. see Figure 45).

Referring to claim 15, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein the automatic image recognizer comprises a plurality of image capture devices (i.e. see Figure 38).

Referring to claim 16, Saito et al. in view of Scott et al. disclose the apparatus of claim 15, Saito et al. teach both wire and wireless system, therefore it obvious that Saito



teach wherein the automatic image recognizer comprises a plurality of image capture devices (i.e. see Figure 38).

Referring to claim 17, Saito et al. in view of Scott et al. disclose the apparatus of claim 15, Saito et al. disclose wherein at least two of the plurality of image capture devices are each operably coupled to the movable barrier operator (i.e. see Figure 38).

Referring to claim 18, Saito et al. in view of Scott et al. disclose the apparatus of claim 15, Saito et al. teach both wire and wireless system, therefore it obvious that Saito et al. disclose wherein at least two of the plurality of image capture devices are each operably coupled to the movable barrier operator wireless remote control (i.e. see Figures 32 and 38).

Referring to claim 21, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein at least one of the movable barrier operator and the movable barrier operator wireless remote control have an image capture user interface such that a user can cause capture of at least one image to be used to facilitate provision of the predetermined image standard (col. 23 lines 1-12, col. 9 lines 15-22 and col. 29 line 66 to col. 30 line 8).

Referring to claim 22, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein at least one of the movable barrier operator and

Art Unit: 2612

the movable barrier operator wireless remote control further comprises a memory that contains information corresponding to at least one predetermined image standard (col. 23 lines 1-12).

Referring to claim 23, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Saito et al. disclose wherein the automatic image recognizer comprises a visible light automatic image recognizer (col. 30 lines 1-8).

Referring to claim 24, Saito et al. in view of Scott et al. disclose the apparatus of claim 4, Scott et al. disclose wherein the automatic image recognizer comprises a non-visible light automatic image recognizer (col. 4 lines 1-10).

Claims 25-32, 35-45, 49,52, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (US# 6,980,672) in view of Kawan et al. (US# 7,039,812).

Referring to claim 25, Saito et al. teach a method comprising:

- providing information that corresponds to at least one predetermined image standard regarding a position of a movable object (i.e. vehicle door) with respect to a movable barrier operator (i.e. door lock system);
- providing information that corresponds to a current image;
- determining whether at least some information in the current image matches

information in the at least one predetermined image standard to provide a match detected signal;

- in response to the match detected signal, automatically initiating an action at least one of a movable barrier operator and a movable barrier operator wireless remote control (i.e. see Figures 4A-B and 33) (col. 10 lines 3-30 and col. 23 lines 40-67).

In the same field of endeavor of security system, Kawan et al. teach determining the substantially biometric data by at least a predetermined threshold in order to operate the garage door system (col. 9 lines 33-67).

One ordinary skill in the art understands that the determining the substantially biometric data by at least a predetermined threshold of Kawan et al. is desirable in the security system of Saito et al. because Saito et al. and Kawan et al. teach the analogous art of biometric authentication to operate a security system. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to determine the substantially biometric data by at least a predetermined threshold of Kawan et al. into security system of Saito et al. in order to provide higher security of the garage door system.

Referring to claim 26, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein providing information that corresponds to at least one predetermined image standard regarding a position of a movable object with respect to a movable barrier operator further comprises capturing an image and providing the image to the movable barrier operator (col. 29 line 66 to col. 30 line 9).

Referring to claim 27, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein providing information that corresponds to at least one predetermined image standard regarding a position of a movable object with respect to a movable barrier operator further comprises capturing an image and providing the image to the movable barrier operator wireless remote control (i.e. see Figure 45).

Referring to claim 28, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein providing information that corresponds to at least one predetermined image standard regarding a position of a movable object with respect to a movable barrier operator further comprises providing information that corresponds to a plurality of predetermined image standards regarding at least one position of a movable object with respect to a movable barrier operator (i.e. see Figure 38).

Referring to claim 29, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein providing information that corresponds to at least one predetermined image standard regarding a position of a movable object with respect to a movable barrier operator further comprises providing information that corresponds to at least one predetermined image standard regarding a view of the movable object (col. 29 line 66 to col. 30 line 9).

Referring to claim 30, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein providing information that corresponds to at least one predetermined image standard regarding a position of a movable object with respect to a movable barrier operator further comprises providing information that corresponds to at least one predetermined image standard regarding a view from a vantage point of the movable object (col. 29 line 66 to col. 30 line 9).

Referring to claim 31, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein providing information that corresponds to at least one predetermined image standard regarding a position of a movable object with respect to a movable barrier operator further comprises storing the information at the movable barrier operator (col. 29 lines 15-22).

Referring to claim 32, Saito et al. in view of Kawan et al. disclose the method of claim 25, it is inherent that Saito et al. disclose wherein providing information that corresponds to at least one predetermined image standard regarding a position of a movable object with respect to a movable barrier operator further comprises storing the information at the movable barrier operator wireless remote control (col. 30 lines 1-27; see Figure 45).

Referring to claim 35-36, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. teach the memory 14 of the control device maintain about 5 to 10 user (col. 6 lines 62-67), Saito et al. teach the control device can control plurality of devices (i.e. see Figure 32). Therefore, it is obvious different authorized user can control the controlled devices.

Referring to claim 37, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein the movable object comprises a terrestrial vehicle (col. 10 lines 1-2).

Referring to claim 38, Saito et al. in view of Kawan et al. disclose the method of claim 25, Kawan et al. disclose wherein providing information that corresponds to a substantially current image further comprises capturing the substantially current image using an image capture device that is operably coupled to the movable barrier operator (col. 9 lines 33-67).

Referring to claim 39, Saito et al. in view of Kawan et al. disclose the method of claim 25, Kawan et al. (col. 9 lines 33-67) disclose wherein providing information that corresponds to a substantially current image further comprises capturing the substantially current image using an image capture device that is operably coupled to the movable barrier operator wireless remote control (i.e. Saito teach both wire and wireless system).

Referring to claim 40, Saito et al. in view of Kawan et al. disclose the method of claim 25, Kawan et al. teach wherein determining whether at least some information in the substantially current image matches information in the at least one predetermined image standard by at least a predetermined threshold to provide a match detected signal further comprises determining the predetermined threshold as a function, at least in part, of a user manipulable threshold adjustment setting (col. 9 lines 30-64).

Referring to claim 41, Saito et al. in view of Kawan et al. disclose the method of claim 25, Kawan et al. teach wherein determining whether at least some information in the substantially current image matches information in the at least one predetermined image standard by at least a predetermined threshold to provide a match detected signal further comprises determining whether at least some information in the substantially current image matches information in the at least one predetermined image standard by at least a predetermined percentage to provide a match detected signal (col. 9 lines 30-64).

Referring to claim 42, Saito et al. in view of Kawan et al. disclose the method of claim 25, Kawan et al. teach wherein determining whether at least some information in the substantially current image matches information in the at least one predetermined image standard by at least a predetermined threshold to provide a match detected signal further comprises: comparing information regarding a first substantially current

image with information regarding a second substantially current image to determine whether the movable object and movable barrier operator presently appear to be drawing closer to one another (col. 9 lines 30-64).

Referring to claim 43, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein providing information that corresponds to at least one predetermined image standard regarding a position of a movable object with respect to a movable barrier operator further comprises:

- detecting user assertion of a wireless remote control transmit button;
- responding to the assertion by capturing an image to provide a captured image;
- using the captured image to provide the information that corresponds to the at least one predetermined image standard (col. 30 lines 1-25).

Referring to claim 44, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein automatically initiating an action further comprises causing the movable barrier operator wireless remote control to transmit a signal (col. 10 lines 3-30 and col. 23 lines 40-67).

Referring to claim 45, Saito et al. in view of Kawan et al. disclose the method of claim 44, Saito et al. disclose wherein causing the movable barrier operator wireless remote control to transmit a signal further comprises causing the movable barrier



operator wireless remote control to transmit a command signal intended for the movable barrier operator (i.e. see Figure 45).

Referring to claim 49, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein automatically initiating an action further comprises causing the movable barrier operator to automatically initiate movement of a movable barrier (col. 30 lines 1-27).

Referring to claim 52, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein automatically initiating an action further comprises causing the movable barrier operator to automatically operate at least a first light in a predetermined manner (col. 30 lines 1-27).

Referring to claim 54, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose further comprising determining a time to next provide information that corresponds to a next current image (col. 10 lines 37-56)

Referring to claim 55, Saito et al. in view of Kawan et al. disclose the method of claim 25, Saito et al. disclose wherein determining a time to next provide information that corresponds to a next current image further comprises determining the time as a function, at least in part, of similarity between at least two previous images (col. 10 lines 37-56).

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (US# 6,980,672) in view of Scott et al. (US# 6,111,977) as applied to claim 4 above and further in view of Kawan et al. (US# 7,039,812).

Referring to claim 19, Saito et al. in view of Scott et al. disclose the apparatus of claim 4. However, Saito et al. in view of Scott et al. did not explicitly disclose the wherein the automatic image recognizer further comprises image recognition means for recognizing a substantially current image as matching information that corresponds to a predetermined image standard by at least a predetermined threshold.

In the same field of endeavor of security system, Kawan et al. teach determining the substantially biometric data by at least a predetermined threshold in order to operate the garage door system (col. 9 lines 33-67).

It would have been obvious to determining the substantially biometric data by at least a predetermined threshold in order to operate the garage door system with respect to claim 25 above.

Referring to claim 20, Saito et al. in view of Scott et al. and Kawan et al. disclose the apparatus of claim 19, Kawan et al. teach wherein the automatic image recognizer further comprises a user adjustment interface such that a user can modify the predetermined threshold (col. 9 lines 33-67 and col. 10 lines 39-49).

Claims 33-34 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (US# 6,980,672) in view of Kawan et al. (US# 7,039,812) as applied to claim 25 above and further in view of O' Connor et al. (US# 6,938,159).

Referring to claim 33, Saito et al. in view of Kawan et al. disclose the method of claim 25. However, Saito et al. in view of Kawan et al. did not explicitly disclose the method of modifying an original image regarding the position of the movable object with respect to the movable barrier operator.

In the same field of endeavor of authentication system, O'Connor et al. disclose the method of modifying an original image regarding the position of the movable object with respect to the movable barrier operator (col. 6 line 61 to col. 7 line 8).

One ordinary skill in the art understands that modification data of O'Connor et al. is desirable in the security system of Saito et al. in view of Kawan et al. because Saito et al. in view of Kawan et al. and O'Connor et al. disclose the used of biometric data for authentication a secured system and O'Connor et al. teach the modification of the biometric data in order to established and update of the identify reference.

Referring to claim 34, Saito et al. in view of Kawan et al. disclose the method of claim 25. O'Connor et al. disclose wherein modifying an original image regarding the position of the movable object with respect to the movable barrier operator further

comprises modifying the original image to simulate a specific environmental context (col. 6 line 61 to col. 7 line 8).

Referring to claim 53, Hsu et al. in view of Kawan et al. and Saito et al. disclose the method of claim 25. Saito et al. disclose wireless device, and O'Connor et al. disclose further comprising, in the absence of the match detected signal but in the presence of a movable barrier movement remote control signal to the movable barrier operator, automatically storing a substantially current image of the movable object (col. 6 line 61 to col. 7 line 8).

Claims 46-48 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (US# 6,980,672) in view of Kawan et al. (US# 7,039,812) as applied to claim 25 above, and further in view of Pertunnen et al. (US# 6,891,467).

Referring to claim 46, Saito et al. in view of Kawan et al. disclose the method of claim 25. However, Saito et al. in view of Kawan et al. did not explicitly disclose the wherein automatically initiating an action further comprises: at the movable barrier operator wireless remote control: transmitting a first signal; monitoring for a predetermined response from the movable barrier operator; upon detecting the predetermined response, transmitting a second signal.

In the same field of endeavor of operating system, Pertunnen et al. disclose wherein automatically initiating an action further comprises: at the movable barrier

operator wireless remote control: transmitting a first signal; monitoring for a predetermined response from the movable barrier operator; upon detecting the predetermined response, transmitting a second signal (col. 6 lines 5-24).

One ordinary skill in the art understands that at transponder transmitting a first signal; monitoring for a predetermined response from the vehicle lock system; upon detecting the predetermined response, transmitting a second signal of Pertunnen et al. is desirable in the security system of Saito et al. in view of Kawan et al. because Saito et al. disclose the security system can be used to secure an access (i.e. see Figures 4A-B and 45) and Pertunnen et al. teach at transponder transmitting a first signal; monitoring for a predetermined response from the vehicle lock system; upon detecting the predetermined response, transmitting a second signal in order to increase the secure system to higher level of operation.

Referring to claim 47, Saito et al. in view of Kawan et al. and Pertunnen et al. disclose the method of claim 46, Pertunnen et al. teach wherein monitoring for a predetermined response from the movable barrier operator further comprises using an image capture device to monitor for the predetermined response (col. 6 lines 5-24).

Referring to claim 48, Saito et al. in view of Kawan et al. and Pertunnen et al. disclose the method of claim 46, Pertunnen et al. teach wherein transmitting a second signal further comprises transmitting a movable barrier movement command signal (col. 6 lines 5-24).

Referring to claim 50, Saito et al. in view of Kawan et al. and Pertunnen et al. disclose the method of claim 25, Pertunnen et al. teach wherein automatically initiating an action further comprises causing the movable barrier operator to transmit a signal to the movable barrier operator wireless remote control (col. 4 lines 25-38; see Figure 1).

Referring to claim 51, Saito et al. in view of Kawan et al. and Pertunnen et al. disclose the method of claim 50, Pertunnen et al. teach wherein the signal comprises status information (col. 4 lines 25-38; see Figure 1).

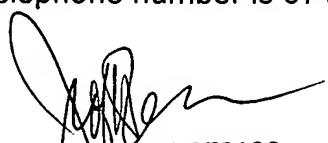
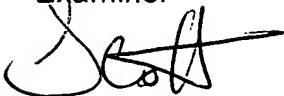
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached at (571) 272-2981. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3050.

Scott Au  
Examiner



JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600